UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation

Multidistrict Litigation
No. 08-1905 (RHK/JSM)

This document relates to:
ALL CASES

ORDER

This matter is before the Court pursuant to Plaintiffs' letter request (attached) to file a Motion for Reconsideration of the Court's March 9, 2009 Order (Doc. No. 265), which denied Plaintiffs' Motion for Recusal. In their request, Plaintiffs seek reconsideration because "[t]here is no support in the record for the conclusion that Plaintiffs knew about the potential recusal issues earlier but decided not to raise them until they became unhappy with the Court's order" on Medtronic's Motion to Dismiss. (Letter Request at 1.) Yet, the Court made it abundantly clear – or, at least, it thought it did – that it was not relying on untimeliness in denying the recusal Motion. (See 3/9/09 Order at 17 (specifically noting that the Court "need not (and does not) rely" on that issue).)

Plaintiffs also argue that reconsideration is appropriate because the Court blindly "accepted Medtronic's version of the facts" regarding Medtronic's relationship with Fredrikson & Byron, P.A., even though it has "dance[d] around" its disclosure obligations and failed to reveal "whether Fredrikson or its shareholders were actually involved in the development of or regulatory aspects related to the Sprint Fidelis Leads." (Letter Request

at 2.) The Court is astounded at this assertion. It is hard to see how Medtronic could have been any clearer:

> Fredrikson has never represented Medtronic in the litigation alleging defects in Medtronic's Sprint Fidelis leads in any state or federal court and does not represent Medtronic in that litigation or any other litigation pending before the Honorable Richard H. Kyle. Indeed, *the firm has not represented Medtronic in any regulatory matter concerning Sprint Fidelis leads and had no role in advising Medtronic during the design, development, testing, premarket approval or post-market surveillance of the performance of Sprint Fidelis leads. Fredrikson was not involved in and is not now involved in FDA regulatory matters, product liability litigation or any other such matters directly related to Sprint Fidelis leads.*

(Koneck Aff. ¶ 8 (emphasis added).)[1]

Plaintiffs' request is **DENIED**.

Dated: April 1, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

[1] Pretrial Order No. 1, which Plaintiffs suggest Medtronic has violated, required Medtronic to identify "all companies affiliated with the parties and all counsel associated in the litigation." (4/23/08 Order at 3.) Plaintiffs nowhere explain (and the Court fails to see) how that Order somehow required the disclosure of "Fredrikson's relationship with Medtronic." (Letter Request at 2.)